IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2904 OF 2003

Bapusaheb Sadashiv Vayal, .. Petitioner.
vs
1. M/s Jalan Construction Company
and ors. .. Respondents
Mrs Gauri Godse, for the petitioner.
Mr. Mukund T. Pise, for respondent nos.1 to 6.

CORAM : D.B.BHOSALE, J.

DATE : FEBRUARY 24, 2005.

P.C.

1. Heard the learned counsel for the parties.

2. This petition is directed against the concurrent findings recorded by the Courts below. After having argued this petition by the learned counsel for the parties, they have agreed for the following order pending hearing and final disposal of Spl. Civil Suit No.1114 of 1999.

(i) Mr Pise, learned counsel for respondent no.1 states that he will put the petitioner in possession of the newly constructed shop no.6 after fixing shutters to the said shop within four weeks from today. His statement is accepted.

(ii) Ms Godse, learned counsel for the petitioner

submits that the petitioner would take possession of the said premises without prejudice to his legal rights and contentions in the suit. The petitioner, who is present in the Court, undertakes to vacate and hand over the tin shed from which he is presently operating the shop to respondent no.1 within four weeks from the date of getting possession of the newly constructed shop. It is open for respondent no.1 to remove the tin shed within two weeks therefrom. Statement of the learned Advocate for the petitioner and his undertaking is accepted.

(iii) The trial Court shall endeavour to dispose of Special Civil Suit No.1114 of 1999 as expeditiously as possible and preferably within a period of one year from the date of receipt of this order. The petitioner to produce a copy of this order before the trial Court within two weeks from today. The trial Court shall decide the suit on merits in accordance with law and uninfluenced by the observations made in the impugned order passed in the proceedings arising out of Exhibit-5-application. The writ petition is, accordingly, disposed of.

(iv) All contentions of the parties are left open.

(D.B.Bhosale, J.)